

January 24, 2012

By ECF

Honorable Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Jleesa Livingston, et. al. v. City of New York, et al.*, 11 CV 0777 (SJ)(CLP)

Your Honor:

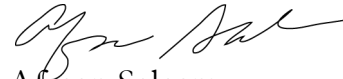
I am the plaintiffs' counsel in the above-referenced case. I write in response to defendants' letter dated January 23, 2012.

Defendants concede that they did not comply with Your Honor's order dated December 13, 2011. Last night at 8:56 p.m. defendants produced only the CCRB histories of the two ESU officers. The history of Detective Hart reflects that he had a prior CCRB complaint for "Force-Shield Used" and "Force-Physical Force" for an incident that occurred on July 29, 2010 – only four months before the incident that is the subject of this lawsuit wherein Ms. Livingston states she was shoved with a shield.

Despite admittedly having the CCRB histories since December 29, 2011, defendants fail to explain why they did not comply with the deadline in Your Honor's order, or why they have, to date, still not produced the clearly relevant file underlying the July 2010 complaint against defendant Hart. Furthermore, defendants have only produced one portion of the officers' disciplinary files. The IAB resumes, CPI printouts and performance evaluations remain outstanding in spite of the Court's order. Accordingly, plaintiffs respectfully renew their requests for sanctions and for defendants to be compelled to produce this discovery immediately and without objection.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Afsaan Saleem', written in a cursive style.

Afsaan Saleem

cc: ACC Steve Stavridis